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EXAMINER

TRAN, CONGVAN

ART UNIT PAPER NUMBER

2683

12

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,096

Applicant(s)

USUI, HISAYOSHI

Examiner

CongVan Tran

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 8-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed April 19, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that "Krasner does not disclose or suggest that the mobile telephone base station transmits position information of the mobile telephone base station to the mobile telephone apparatus to enable the mobile telephone apparatus to use the position information of the base station instead of the position data of the mobile telephone apparatus", Examiner respectfully disagrees in Krasner's reference fig.1, the base station comprising GPS receiver (element 12), and GPS receivers normally determine their position and to transmit position information to the mobile telephone apparatus (see fig.1, element 14, 16 and 20a), therefore, the previous rejection is proper. Furthermore, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2683

2. Claims 1, 2, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Twitchell et al. (US – 6,222,483) in view of Krasner (US – 5,841,396).

Regarding **claim 1**, Twitchell discloses a mobile telephone system comprising: a mobile telephone base station connected to a telephone network [see fig.2 , BS (46) & PSTN]; and a mobile telephone apparatus [see fig. 2 & 3, Remote Unit (42)] which comprises a first GPS unit [see fig. 3, GPS Circuitry (60, 62)] for receiving a GPS wave as a first received GPS signal to obtain position data of said mobile telephone apparatus by information processing with reference to said first received GPS signal (see col. 5, lines 24 – 36) and a radio section (see fig. 3, Telecom Circuitry) connected to said first GPS unit for transmitting, by radio communication, the position data of said mobile telephone apparatus to said mobile telephone base station to make said mobile telephone base station inform said telephone network of the position data of said mobile telephone apparatus (see fig. 4A, blocks 110 – 140).

Twitchell fails to disclose said mobile telephone base station comprising a mobile telephone base section for transmitting, by radio communication, position information of said mobile telephone base station to said mobile telephone apparatus to enable said mobile telephone apparatus to use the position information of said mobile telephone base station instead of the position data of said mobile telephone apparatus.

Krasner teaches said mobile telephone base station comprising a mobile telephone base section [see fig. 1A, Base station (10), GPS Antenna (12) and Antenna (14)] for transmitting, by radio communication, position information of said mobile telephone base station to said mobile telephone apparatus to enable said mobile

Art Unit: 2683

telephone apparatus to use the position information of said mobile telephone base station instead of the position data of said mobile telephone apparatus (see col. 16, lines 29 – 44). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide the above teaching of Krasner to Twitchell, in order to obtain the position of a mobile phone even when the GPS receiver of the mobile phone does not receive the GPS signals from GPS satellites.

Regarding **claim 2**, the combination Twitchell and Krasner disclose said mobile telephone base station further comprises a second GPS unit [see Krasner, fig. 1A, Base station (10), GPS Antenna (12)] for receiving said GPS wave as a second received GPS signal to obtain the position information of said mobile telephone base station by information processing with reference to said second received GPS signal (see Krasner, col. 3, lines 15 – 19); said mobile telephone base section [see Krasner, fig. 5A, Transmitter (503 & 503a) and Receiver (504 & 504a) being connected to said second GPS unit [see Krasner, fig. 5A, GPS Receiver (501 & 501a)] to be supplied with the position information of said mobile telephone base station from said second GPS unit (see Krasner, fig. 5A, col. 10, line 64 to col. 11, line 3).

Regarding **claim 3**, the combination of Twitchell and Krasner disclose said mobile telephone base section (see Krasner, fig. 1A, Base station ' Antenna 14 & Data Link 16) transmits, by radio communication, the position information of said mobile telephone base station to said mobile telephone apparatus by including said position information in report information which is reported to said mobile telephone apparatus (see Krasner, col. 3, lines 15 – 21).

Regarding **claim 4**, the combination of Twitchell and Krasner disclose the radio section of said mobile telephone apparatus transmits, when said first GPS unit does not receive the GPS wave and does not obtain the position data of said mobile telephone apparatus, the position information of said mobile telephone base station to said mobile telephone base station by radio communication instead of the position data of said mobile telephone apparatus to make said mobile telephone base station inform said telephone network of the position information of said mobile telephone base station instead of the position data of said mobile telephone apparatus (see Krasner, col. 16, lines 29 – 44).

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Twitchell et al. (US – 6,222,483) in view of Krasner (US – 5,841,396) and further in view Ishigaki (US – 6,121,921).

Regarding **claim 7**, the combination Twitchell and Krasner fail to disclose said mobile telephone apparatus further comprises a control section for carrying out power supply intermittent control to intermittently energize said first GPS unit so that said first GPS unit is intermittently turned on under said power supply intermittent control. Ishigaki teaches said mobile telephone apparatus further comprises a control section for carrying out power supply intermittent control to intermittently energize said first GPS unit so that said first GPS unit is intermittently turned on under said power supply intermittent control (see fig. 1, MPU (5), col. 3, line 50 to col. 4, line 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide the above teaching of Ishigaki to the combination of Twitchell and

Art Unit: 2683

Krasner, in order to save the power consumption whenever the GPS receiver of a mobile phone does not receive the GPS signals from satellites.

Allowable Subject Matter

4. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **claim 5**, the applied references fail to disclose said mobile telephone apparatus further comprises a display section for displaying map information specified by one of the position information of said mobile telephone base station and the position data of said mobile telephone apparatus, said mobile telephone apparatus receiving, upon display of said map information in said display section, said map information through said mobile telephone base station from said telephone network by transmitting said one of the position information of said mobile telephone base station and the position data of said mobile telephone apparatus through said mobile telephone base station to said telephone network.

Regarding **claim 6**, the applied references fail to disclose said map information is obtained by the use of a homepage of an internet connected through a router (40a) to said telephone network.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Camp, Jr. et al (US – 6,070,078) discloses Reduced Global Positioning System Receiver Code Shift Search Space for a Cellular Telephone System.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 703-305-4024. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CONGVAN TRAN
PATENT EXAMINER

CongVan Tran
Examiner
Art Unit 2683

CT
June 29, 2004